

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

Derrick Jones, Jerome Jones, and Darnell  
Rusan,

PLAINTIFFS,

v.

City of St. Louis, et al.,

DEFENDANTS.

Cause No. 4:21-cv-600-HEA

**Defendants Sherry Richard's Motion to Dismiss**

Come now Defendant Sherry Richard and in support of her Motion to Dismiss Plaintiffs' Third Amended Complaint state the following:

1. Plaintiffs fail to state of claim for relief under Counts I of their Third Amended Petition in that Plaintiffs allege merely *de minimus* injuries. *Robinson v. Hawkins*, 937 F.3d 1128, 1136 (8th Cir. 2019); *Chambers v. Pennycook*, 641 F.3d 898 (8<sup>th</sup> Cir. 2011).

2. Defendant Richard is protected by the doctrine of qualified immunity in that her actions were objectively reasonable under the totality of the circumstances. *Harlow v. Fitzgerald*, 420 U.S. 308 (1975).

WHEREFORE, Defendant pray this court grant her Motion to Dismiss in its entirety, for their costs, and for any other and further relief this court deems appropriate in the circumstance.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on **August 15, 2022** the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all attorneys of record.

/s/ Adriano Martinez